

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

U.S.A. vs. Joseph Russell Wayne

Docket No. 02-00020-001 Erie

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Joseph Russell Wayne, who was placed on supervision by the Honorable Sean J. McLaughlin sitting in the Court at Erie, Pennsylvania, on the 6th day of January 2004, who fixed the period of supervision at four years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm or destructive device.
- The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Further, the defendant shall be required to contribute to the costs of services for any such treatment in an amount determined by the probation officer but not to exceed the actual cost. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.
- The defendant shall pay a special assessment of \$100.

01-06-04: Distribution of 5 Grams of More of Cocaine Base; 36 months' incarceration, 4 years' supervised release.

01-21-05: Released to supervision; Currently supervised by U.S. Probation Officer Matthew L. Rea.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that on February 14, 2006, the defendant submitted a fourth urine sample during a calendar year that tested positive for cocaine. The previous urine samples collected on January 21, 2005, November 15 and 30, 2005, and December 14, 2005, tested positive for cocaine. As a response to his violations, on March 15, 2006, Mr. Wayne signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, in which he agreed to be placed on home confinement for a period of 90 days.

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PRAYING THAT THE COURT WILL ORDER that the supervised releasee shall be placed on home confinement for a period not to exceed 90 days to run consecutive to his current electronic monitoring sentence that is being administered by the Erie County Adult Probation Department. The defendant shall pay all or part of the daily costs of the electronic monitoring on a schedule set forth in a separate payment agreement. At the direction of the probation officer, the supervised releasee shall wear an electronic device and shall observe the rules specified by the Probation Office.

I declare under penalty of perjury that
the foregoing is true and correct.

ORDER OF COURT

Considered and ordered _____ day of
_____, ____ and ordered filed and
a part of the records in the above case.

U.S. District Judge

Executed
on

March 16, 2006



Matthew L. Rea
U.S. Probation Officer



Gerald R. Buban
Supervising U.S. Probation Officer

Place: Erie, Pennsylvania